



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

AVRAAM I. ISAYEV, et al.

Serial No. 09/998,938

Filed November 30, 2001

For CARBONIZED PITCH MOLDINGS
PREPARED FROM SYNTHETIC
MESOPHASE PITCH AND HEAT-
SOAKED ISOTROPIC PITCH

) Examiner: Hugh Henderson

) Group Art Unit 1732

) **CERTIFICATE OF MAILING**
) **VIA FIRST CLASS MAIL**

) I hereby certify that the following correspondence was
) deposited with the United States Postal Service as First Class
) Mail in an envelope addressed to: Mail Stop NON-FEE
) AMENDMENT, Commissioner for Patents, P. O. Box 1450,
) Alexandria, VA 22313-1450, on September 23, 2004.

) *Rebecca Daugintis*
) Rebecca Daugintis, Sec'y to George W. Moxon, II

TRANSMITTAL SHEET

Enclosed are the following documents:

Amendment in Response to Office Action

Copy of Office Action Mailed June 23, 2004

Request for Continued Examination

Return Receipt Postcard

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

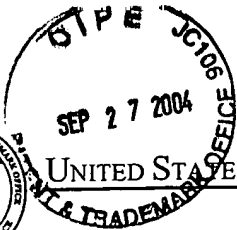
The Director is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 50-0959 (089498-0411).

Respectfully submitted,

George W. Moxon II
George W. Moxon II, Reg. No. 26,615

Roetzel & Andress
222 South Main Street
Akron, Ohio 44308
Telephone: (330) 376-2700
Facsimile: (330) 376-4577
E-mail: gmoxon@ralaw.com
Attorney for Applicant(s)

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09/998,938	11/30/2001	Avraam I. Isayev	UA411	5914

7590

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GEORGE W. MOXON II, ESQUIRE
ROETZEL & ANDRESS
222 SOUTH MAIN STREET
AKRON, OH 44308

EXAMINER

HENDRICKSON, STUART L

ART UNIT

PAPER NUMBER

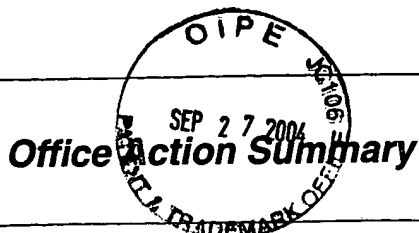
1754

DATE MAILED: 06/23/2004

Due 9/23/04



Please find below and/or attached an Office communication concerning this application or proceeding.



Application No. 09/998938	Applicant(s) Isapv
Examiner Dehikson	Group Art Unit 1754

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 6/3/04
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1,3,15,16 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1,3,15,16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1754

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 15 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Korai article.

The reference teaches on pg. 2 and 3 mixing pitches followed by heating. No difference is seen, as the temperature is the same as claimed. Even though the reference does not explicitly teach inert atmosphere, it is implied by the reference. Pg. 1510 teaches 400 degrees. In so far as the rejection is under '103, using the claimed ratio of pitches and the temperatures is an obvious expedient of optimization; In re Boesch 205 USPQ 215.

Claim 3 should depend upon claim 1.

Claims 1, 3, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korai taken with Tamaki 5494567.

Korai does not explicitly require inert atmosphere, however Tamaki does in a similar process. Using inert atmosphere in the process of Korai is an obvious expedient to avoid oxidation and loss of the pitch.

Applicant's arguments filed 6/3/04 have been fully considered but they are not persuasive.

Claim 1 does not exclude catalysts or solvents ('comprising'). It is not seen why Korai fails to make the claimed product, given the similarity of the starting materials and process steps. A Declaration appears appropriate. Claim 15 does not require 'above 400'.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1754

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.

A handwritten signature in black ink, appearing to read 'Stuart Hendrickson', is positioned above the printed name.

Stuart Hendrickson
examiner Art Unit 1754